

Class IV Zoning Permit Application:
Use Permit Application:
Special Permit Application:
Special Management Area:
Variance Permit Application:
Applicant:

Based on our review of the application and our on-site survey of the property, we offer the following environmental health concerns for your consideration.

1. The subject project is located in the critical wastewater disposal area where no new cesspools will be allowed.

We concur with the subject project provided that the agency responsible for granting approval to the subject application place a condition upon the applicant to upgrade all existing cesspools to treatment individual wastewater systems meeting the applicable requirements of Title 11, Hawaii Administrative Rule (HAR), Chapter 11-62, "Wastewater Systems".

All wastewater plans must conform to applicable provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules."

All structures and wastewater disposal systems are not shown on the subdivision map. Wastewater Branch will not recommend approval of the subdivision application until we have information on existing wastewater systems. The applicant must have his/her engineer or contractor submit a completed existing cesspool information card for each cesspool, identifying the location of all wastewater systems with associated structures and their relationship to existing and proposed property lines.

WWB does not concur with the subdivision request. Under the provisions of Hawaii Administrative Rule Chapter 11-62, a minimum lot size of 10,000 square feet is required in order to utilize individual wastewater systems. Also, all structures and wastewater disposal systems are not shown on the subdivision map. Wastewater Branch will not recommend approval of the subdivision application until we have information on existing wastewater systems. The applicant must have his/her engineer or contractor submit a completed existing cesspool information card for each cesspool, identifying the location of all wastewater systems with associated structures and their relationship to existing and proposed property lines.

All structures and wastewater disposal systems are not shown on the

subdivision map. Wastewater Branch will not recommend final approval of the subdivision application until we have information on the existing wastewater systems. The applicant must have his/her engineer or contractor submit a completed existing cesspool information card for each cesspool, identifying the location of all wastewater systems with associated structures and their relationship to existing and proposed property lines. There is a cesspool card for Lot -- but it shows only one cesspool. Please submit a cesspool card for second cesspool on Lot --. It is assumed that the second cesspool serves the second dwelling. If the second cesspool is an overflow cesspool, then the cesspool would be considered a large capacity cesspool (LCC) by the Environmental Protection Agency (EPA) since both dwellings are served by the same wastewater system. Please be aware that the EPA has made LCC's illegal as of April 2005. There is a cesspool card for Lot --. Again, this appears to be an LCC. The applicant should make plans to upgrade to a septic system by having his/her engineer submit septic plans to Dept. of Health.

The proposed project is possibly located within a thousand (1000) feet of a public drinking water source. Please consult with a surveyor and Princeville Utilities regarding the exact location of the project and the location of the public well.

The Wastewater Branch will allow one individual wastewater system containing an aerobic unit for this project. The Branch will allow one system for any part of the lot within a thousand feet of the public well.

The existing individual wastewater system can continue to serve the existing dwelling. However, wastewater generated from any additional dwelling units and other buildings shall be disposed of in wastewater systems that meet the wastewater rules in effect at the time of building permit application. The EPA does not allow two dwellings to be connected to one cesspool under their 2005 ban on large capacity cesspools (LCCs). An additional dwelling unit would require an upgrade to septic system.

2. Prior to final approval of this application, a revised map showing the location of all existing individual wastewater systems shall be submitted to the Department of Health for review and approval.
3. The proposed development shall comply with the applicable requirements of Title 11, Hawaii Administrative Rules (HAR), Chapters 11-11, "Sanitation", pertaining to natural ventilation and minimum sanitary facilities, and 11-39, "Air Conditioning and Ventilating", pertaining to mechanical ventilation

The proposed food establishment shall be constructed in accordance with

the applicable ventilation requirements of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-11, "Sanitation" or Chapter 11-39, Air Conditioning and Ventilating", or both.

The proposed food establishment shall be provided with minimum sanitary facilities for the employees or for the patrons as well if liquor is intended to be served in accordance with the applicable provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-11, "Sanitation".

The person in applicant or person in charge of the proposed food establishment shall allow the Director or authorized representative access to the establishment, allowing inspection during business operational hours and other reasonable times.

4. The proposed food services and food establishments shall comply with the applicable requirements of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-50, "Food Safety Code".

Bed & Breakfast - The Department of Health Sanitation Branch does not enforce HAR 11-50 Food Safety Code if the proposed establishment is a kitchen in a private home, operating a small child care provider, or a bed and breakfast operation that prepares and offers only non-potentially hazardous food (time/ temperature control for food safety) to guests if the home is owner occupied, the number of guests does not exceed six, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in kitchen that is not regulated and inspected by the department.

5. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Title 11, Hawaii Administrative Rules (HAR), Chapter 11-26, "Vector Control", the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

In accordance with Title 11, HAR, Chapter 26, "Vector Control", if the proposed Food Establishment's flooring is not constructed of concrete or other material impervious to rodents, an unobstructed crawl space of at least twenty inches between the bottom of the joists of the lower floor of the building and the highest point of the ground will be required.

6. Prior to commencing with demolition and renovation work, the presence or absence of asbestos and asbestos containing material shall be

determined. The contractor shall complete and submit the form entitled "Notification of Demolition and Renovation" pertaining to asbestos removal or disturbance to the Noise, Radiation and Indoor Air Quality Branch of the Department of Health.** For government owned property, roadways, commercial buildings, 3 or more homes by the same owner. Lead is for childcare.

- A. Prior to commencing with demolition and renovation work, the presence or absence of asbestos/ lead and asbestos/ lead containing material shall be determined if applicable by the contractor. **For single-family homes.
- 7. Noise will be generated during the construction and demolition phase of this project. The applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control" shall not be exceeded unless a noise permit is obtained from the Department of Health.
- 8. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, Hawaii Administrative Rules Chapter 11-60.1 "Air Pollution Control", effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
- 8a. A copy of the plans, construction schedule and/or written measures that is required to be submitted by the contractor (DUST CONTROL MEASURES/PLANS) should also be sent to the Department of Health for monitoring purposes.
- 8c. Disposal of farm green waste is not permitted by open burning without a Department of Health approved agricultural burning permit.
- 8b. The proposed boiler and steam generator may be subject to Title 11, HAR, Chapter 11-60.1, "Noncovered Sources", depending on heat input capacity and/or the combination of other fuel powered equipment located at the facility.
- 9. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-58.1 "Solid Waste Management Control", the open burning of any of these wastes on or off site prohibited.

- a. As an auto repair shop, the applicant should be aware of hazardous waste regulations that may affect its operations. Automotive repair shop will generate hazardous waste and used oil. Hazardous waste and used oil are found under HAR 11-260 and 11-279.
 - b. Review of the drainage plans in the blueprints does not show any type of collection or drainage system for possible oil spills. The applicant should consider either:
 - 1. A sump to contain any oils spills that may occur during operations, or
 - 2. Consider any oil/water separator.
- In addition, the applicant should consider a storage area or dedicated flammable cabinet to store hazardous material and waste.

10. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Chapters 11-54 and 11-55 Hawaii Administrative Rules (HAR). You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

- I. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
- II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
- III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A

or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

- a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
 - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the start of the construction activities.**
 - c. Treated effluent from leaking underground storage tank remedial activities.
 - d. Once through cooling water less than one (1) million gallons per day.
 - e. Hydrotesting water.
 - f. Construction dewatering effluent.
 - g. Treated effluent from petroleum bulk stations and terminals.
 - h. Treated effluent from well drilling activities.
 - i. Treated effluent from recycled water distribution systems.
 - j. Storm water from a small municipal separate storm sewer system.
 - k. Circulation water from decorative ponds or tanks.
11. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.

12. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
13. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
14. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

BMP comments

Effective site-specific Best Management Practice measures shall be implemented to confine and isolate the construction site/activities; minimize the potential adverse impacts to the adjacent receiving State waters; and to ensure the projects' associated discharges will comply with the applicable requirements of Title 11, HAR Chapter 11-54 "Water Quality Standards" requirements.
and HAR Chapter 342D

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).
 - a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB website (<http://health.hawaii.gov/cwb/>) for the NPDES general permits and instructions to request coverage.
 - b. All other discharges into State surface waters (including discharges from Concentrated Animal Feeding Operations) and discharges into Class 1 or Class AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>
 - c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).
2. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Drinking Water- Private well

1. If the private well is solely servicing the subject property, the DOH has no regulation requirements. However, if the well has fifteen service connections or services 25 people daily for sixty days out of the year, the project must comply with Title 11, HAR, Chapter 20, Section 11-2-29 "Rules Relating to Potable Water Systems". This section requires that the Director of Health prior to use, approve all new public water system sources. Approval is upon the submission of a satisfactory engineering report, which addresses the requirements set in Section 11-20-29.

2. The subject property may be serviced by a private well, which has no regulation requirements by the State Department of Health.
3. The owners are currently not utilizing a private well located on the subject property. Should the property owner's decide to utilize the well, there would be no regulation requirements by the State Department of Health.

Drinking Water- For subdivisions next to non-potable water

1. All projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of Section 11-2-29 of the HAR, Title 11, Chapter 20 entitled "Rules Relating to Potable Water Systems". This section requires that the Director of Health prior to use approve all new public water system sources. Such approval is based primarily upon the submission of a satisfactory engineering report, which addresses the requirements set in 11-20-29.
2. The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
3. All sources of public water system must undergo a source water assessment, which will delineate a source of water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
4. The document does not mention if the Applicant plans to use brackish and/or reclaimed water for non-potable water uses such as irrigation. However, if the Applicant proposes the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs, he or she must be careful in the design and operation of these systems to prevent cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two systems must be clearly leveled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition, backflow devices must be tested periodically to assure their principle operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent inadvertent submit

of non-potable water. Compliance with HAR, Title 11, chapter 11-21, entitled “Cross Connection and Backflow Control” is required.

5. Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under HAR, Title 11, Chapter 23, entitled “Underground Injection Control” (UIC). The Department of Health’s approval must be first obtained before any injection well occurs.
6. Authorization to use an injection well is granted when a UIC Permit is issued to the injection well facility. The UIC permit contains discharge and operating limitations, monitoring and reporting requirements, and other facility management and operational conditions. A completed UIC permit-application form is needed to apply for a UIC Permit.
7. A UIC Permit can have a valid duration up to five years. Permit renewal is required to keep an expiring permit valid for another term.
8. The Department encourages the Applicant to review all of the standard comments on our website:
<http://www.hawaii.gov/health/environmentalenv-planning/landuse/landuse.html>.
9. “In the event that the proposed subdivision cannot be completely supplied by existing regulated public water systems, and alternative water supply is required, please be aware that Hawaii Administrative Rules, Title 11, Chapter 20, Relating to Public Water Systems may apply.”

This language would provide for the possibility that a public water system (either the county or another privately owned system) may be extended to service the subdivision. This also reflects a recent change in the title of Chapter 11-20 from use of the word “potable” to “public” water systems.

Public water system

1. Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Title 11, Chapter 20, titled “Rules Relating to Public Water Systems”.
2. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

4. Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of Section 11-20-29 of Chapter 20. This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.
5. The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
6. All sources of public water systems must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
7. Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification. These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.
8. All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 11-25 titled; Rules Relating to Certification of Public Water System Operators.
9. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 11-21, "Cross-Connection and Backflow Control" is also required.
10. All projects which propose the establishment of a potentially contaminating activity (as

identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

11. For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the Safe Drinking Water Branch at 586-4258.

Asbestos

This applies to regulated facilities are institutional, commercial, public, industrial or residential structure units under the State of Hawaii's Asbestos Rules (Title 11, Chapter 501 through 504, Hawaii Administrative Rules) for any renovation/demolition activities.

Requirements:

A State of Hawaii certified asbestos inspector must be used to identify suspect asbestos-containing materials prior to the renovation/demolition activities.

A State of Hawaii licensed and certified asbestos contractor must be used to properly remove, containerizes, and disposes of the regulated asbestos-containing materials.

Owner/Contractor must file proper notification documents with the State of Hawaii, Department of Health, Indoor & Radiological Health Branch.

The Lead-Based Paint Renovation, Repair and Painting (RRP)

This applies to residential houses, apartments, and child-occupied facilities such as schools and day-care Centers built before 1978. The Lead-Based Paint Renovation, Repair and Painting Program is a (EPA, 40 CFR 745) regulatory program affecting contractors/firms who disturb painted surfaces during renovation projects.

Contactors/Firms must be certified by EPA and trained by EPA-approved training providers to follow lead-safe work practices.

The Lead-Based Paint Hazard Abatement

This applies to residential houses, apartments, and child-occupied facilities such as schools and day-care Centers built before 1978 under the State of Hawaii's Lead-Based Paint Activities Rules (Title 11, Chapter 41, Hawaii Administrative Rules) for any lead-based paint abatement activities.

Requirements:

A State of Hawaii certified lead-based paint inspector or risk assessor must be used to identify suspect lead-based paint hazards prior to any abatement activities.

A State of Hawaii licensed and certified lead-based paint abatement contractor must be used to properly remove, containerizes, and disposes of the regulated lead-based paint.

Owner/Contractor must file proper notification documents with the State of Hawaii, Department of Health, Indoor & Radiological Health Branch.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.